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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

|                           |   |   |
|---------------------------|---|---|
| UNITED STATES OF AMERICA, | ) | No. CR-07-803 MMC                       |
|                           | ) |   |
| Plaintiff,                | ) | MOTION AND <del>PROPOSED</del> ORDER TO |
|                           | ) | SEAL DECLARATION OF ELIZABETH M.        |
| v.                        | ) | FALK AND ITS EXHIBITS AA AND BB IN      |
|                           | ) | SUPPORT OF SENTENCING                   |
| LAWRENCE CRAYTON,         | ) | MEMORANDUM                              |
|                           | ) |   |
| Defendant.                | ) | <b>FILED UNDER SEAL</b>                 |
|                           | ) |   |

Attorney of record Elizabeth M. Falk now moves this Court to file under seal the Declaration of Elizabeth M. Falk in Support of Defendant's Sentencing Memorandum and its attachments, submitted herewith. Exhibits AA and BB to the aforementioned declaration contain confidential medical records and reports of the defendant, Mr. Lawrence Crayton, as well as his wife, Linda Crayton. These records were disclosed to counsel with the provision that counsel maintain their confidential nature with the Court. As these items should not be placed on the public docket for confidentiality reasons, counsel now moves herein for a Sealing Order.

**ARGUMENT**

The medical records and reports attached to the contain sensitive and personal information about Mr. and Mrs. Crayton that is traditionally not placed on the public docket.

1 Pursuant to Northern District of California Criminal Local Rule 32-7, said information remains  
2 confidential and is only read and utilized by the U.S. Probation Department and the Court.  
3 Sealing the records will maintain their confidential nature in accordance with the local rule, and  
4 will keep these documents out of the public record. Accordingly, undersigned counsel moves for  
5 a Sealing Order ensuring that the documents attached to the Falk Declaration remain  
6 confidential. Counsel intends to file the remaining exhibits and attachments to the Sentencing  
7 Memorandum, the Objections to the Guideline Calculations as well as the Sentencing  
8 Memorandum itself, as a part of the publically available docket.

9 **CONCLUSION**

10 Wherefore, Mr. Crayton requests that this Court will grant this motion and order the  
11 document entitled "Declaration of Elizabeth M. Falk In Support of Defendant's Sentencing  
12 Memorandum" and its attachments AA-BB to be filed under seal and maintained under seal until  
13 further order of the Court.

14  
15 Dated: July 23, 2008

16 Respectfully submitted,

17 BARRY J. PORTMAN  
18 Federal Public Defender

19 /S/

20 ELIZABETH M. FALK  
21 Assistant Federal Public Defender

22 **~~PROPOSED~~ ORDER**

23 For good cause shown, the document entitled " Declaration of Elizabeth M. Falk in  
24 Support of Defendant's Sentencing Memorandum" and its attachments Exhibits AA and BB, ~~to~~  
25 ~~be filed later today on July 23, 2008,~~ shall be maintained under seal until further order of the  
26

1 Court.

2 IT IS SO ORDERED.

3  
4 Dated: July 24, 2008

  
THE HONORABLE MAXINE M. CHESNEY  
United States District Judge